



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/843,082

04/25/2001

Jafar S. Nabkel

1851(42059-01320)

8426

25231 7590 01/19/2007
MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA, CO 80014

EXAMINER

O CONNOR, BRIAN T

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
----------------------------------------	-----------	---------------

3 MONTHS

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/843,082

Applicant(s)

NABKEL ET AL.

Examiner

Brian T. O'Connor

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15, 16, 20-35, 39, 40 and 44-53 is/are pending in the application.
- 4a) Of the above claim(s) 49-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 15, 20-23, 25-31, 35, 39 and 44-47 is/are rejected.
- 7) ☒ Claim(s) 8-10, 16, 24, 32-34, 40 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to Applicant's amendment filed on 10/10/2006.
2. Claims 1 and 25 have been amended. Claims 12-14, 17-19, 36-38 and 41-43 have been cancelled. Claims 1-11, 15-16, 20-35, 39-40 and 44-53 are pending. Claims 49-53 have been withdrawn.

Claim Objections

3. Claims 20 and 44 are objected to because of the following informalities:

Regarding claim 20, on line 2 suggest changing "one or messages" to "one or more messages".

Regarding claim 44, on line 2 suggest changing "one or messages" to "one or more messages". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 24 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claimed subject matter "**proof of message exchange transaction**" in claims 24 and 48 is not adequately described in the specification so that one skilled in the art would be reasonably apprised of the definition and use of the invention.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-7, 11, 15, 20-22, 25-31, 35, 39 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (US 7,145,898) in view of Gunasekar (US 6,314,176).

With respect to claims 1 and 25, Elliott discloses a system and method for exchanging messages between network entities in a communication (telephone) network, the network contains Automatic Call Distributors (ACDs) (4A of figure 19A; 3, 3A of figure 19B; 524 of figure 44) viewed as distributed message brokers and an Intelligent Switch Network Adjunct Processor (ISNAP) (5 of figure 19A; 526 of figure 44) viewed as an integrated service controller. The ACD and ISNAP are connected to switches (2 of figure 19A; 10710 of figure 77), Automated Response Units (ARUs) (502 of figure 44), the Internet (INTERNET of figure 19E), and DSP modem pools (H.324 DSP MODEM POOL of figure 19B) over several communication networks (Intelligent Services Network, ISN of figure 19A; MCI Switch Network of figure 19A; INTERNET of figure 19E; telephone network 10810, 10820 of figure 77). The ACD in conjunction with the ISNAP provide message processing including relaying and screening between network entities (column 20, lines 5-19; column 21, lines 38-43; column 22, lines 10-26;

Art Unit: 2616

column 126, lines 52-64; column 263, lines 18-44). The ISNAP performs classification, registration, and operation of telephone services (column 19, lines 14-34; where the ISNAP is a component of the Intelligent Network and supports these operations). Also the ISNAP must have processing modules to carry out these operations (column 19, lines 14-34; 2110, 2112, 2114, 2116 of figure 20).

However, Elliott does not disclose use of prioritization rules for the message processing performed by the ACD and ISNAP.

Gunasekar discloses prioritization for messages passed between ARU and ISNAP devices based on the SERVICE TYPE field in IP packets (column 9, lines 17-28; column 10, lines 6-10). This teaching is viewed as analogous to using prioritization rules for message processing between ACD and ISNAP.

Gunasekar realizes the benefit of providing differentiated services by employing prioritization levels in messages (column 9, lines 21-25). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system and method of Elliott with the method of Gunasekar.

With respect to claims 2 and 26, Elliott further discloses network entities including other ACDs, ISNAP, and Data Access Points (DAPs) (10241, 10242, 10243 of figure 72; column 19, line 54—column 20, line 3) in connection with the ACD.

With respect to claims 3 and 27, Elliott further discloses the ACD performs classification by determining the type of message and where it should be delivered (column 20, lines 5-20).

With respect to claims 4 and 28, Elliott further discloses the ACD use of a VNET number included in the messaging so that the correct destination receives the connection message (column 101, lines 10-20; column 101, lines 56-67).

With respect to claims 5 and 29, Elliott further discloses the ACD use of delivery parameters to instruction how the message is sent (column 130, lines 39-47) and a packet classifier using delivery parameters for source-to-destination flows (column 25, lines 15-38).

With respect to claims 6 and 30, Elliott further discloses the ACD use of multicast (message duplication handling) for video messages (column 126, lines 52-64; column 129, line 63—column 130, line 5).

With respect to claims 7 and 31, Elliott further discloses the ACD use of routing based on static rules from the network customer (69390, 1501, 1502, 1503, 1504 of figure 69T) and message screening based on static rules from a network customer (69530, 4000, 69532, 4010, 4011, 4012, 4013 of figure 69Z)

With respect to claims 11 and 35, Elliott further discloses ACD use of video message controls including multicast operations (column 126, lines 52-64; column 129, line 63—column 130, line 5).

With respect to claims 15 and 39, Elliott further discloses the ACD operating on messages through the services control layer between telephones in a telephone network and computer in the Internet network (10810, 10840, 10725, 10750 of figure 77; column 264, lines 40-47; where the ACD, from inside the ISN, controls the CODEC to translate telephone PCM signals into voice packets).

With respect to claims 20 and 44, Elliott further discloses the ACD use of message translation from voice to TCP/IP (column 93, lines 50-55).

With respect to claims 21 and 45, Elliott further discloses the voice translation is configurable to result in TCP/IP or UDP/IP and that it must also be modular since the translation is performed by a CODEC module (column 93, lines 50-55).

With respect to claims 22 and 46, Elliott further discloses the ACD performs call validation (authentication and authorization) by contacting the Network Information Distributed Services (NIDS) sever during call processing (column 21, lines 40-50).

8. Claims 23 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Gunasekar and further in view of Araujo et al. (US 6,301,229 hereafter Araujo).

With respect to claims 23 and 47, Elliott and Gunasekar disclose all the claimed subject matter of claims 1 and 25, however Elliott and Gunasekar fail to disclose message tunneling provided by the ACDs (message brokers).

Araujo discloses message tunneling (203, 206, 207 of figure 10; column 9, lines 31-41; column 10, lines 48-51).

Araujo realizes the benefit of more efficient management of data flows in a network by using tunneling (column 2, lines 45-55). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Araujo with the system and method of Elliott and Gunasekar.

Allowable Subject Matter

9. Claims 8-10, 16, 24, 32-34, 40 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments, see Pg 10-11, filed 10/10/2006, with respect to the rejection(s) of claim(s) 1-3, 5-11, 25-27 and 29-35 under Coward and Curtis have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Elliott and Gunasekar.

11. Applicant's election with traverse of inventions embodied in claims 1 and 25 in the reply filed on 10/10/2006 is acknowledged. The traversal is on the ground(s) that were stated in the Office Action filed on 3/7/2006. This is not found persuasive because the Applicant has received an office action on the merits for the original embodiments of claims 1 and 25.

The requirement is still deemed proper and is therefore made FINAL.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. O'Connor whose telephone number is 571-270-1081. The examiner can normally be reached on 9:00AM-6:30PM, M-F, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. O'Connor
January 11, 2007



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600